

### **DETAILED ACTION**

1. This Office Action is regarding Applicant's response filed 3 June 2009 to a prior Office Action. Claims 1, 3, 4, 6 – 9, 11 – 15, 17 – 26 and 28 – 36 are pending. Claims 1, 6, 7, 13, 17 – 20, 26 and 30 – 34 are amended. Claim 5 are canceled.
2. This Office Action is the **Fifth Action, Allowance**.

### ***Response to Arguments***

#### **35 USC § 101**

3. Applicant's arguments (page 13 – 14) and amendments, filed 3 June 2009, regarding the rejection under 35 USC § 101 of claims 1, 3 – 9, 12 – 15 and 17 – 19 have been fully considered and are persuasive. For these reasons, the rejection under 35 USC § 101 of claims 1, 3 – 9, 12 – 15 and 17 – 19 is **withdrawn**.

#### **35 USC § 102(a)**

4. Applicant's arguments (page 14 – 19) and amendments, filed 3 June 2009, regarding the rejection under 35 USC § 102(a) of claims 13 and 17 have been fully considered and are persuasive. For these reasons, the rejection under 35 USC § 102(a) of claims 13 and 17 is **withdrawn**.

#### **35 USC § 103(a): Schleimer et al.**

5. Applicant's arguments (page 19 – 23) and amendments, filed 3 June 2009, regarding the rejection under 35 USC § 103(a) of claims 1, 5, 6, 8, 11, 20, 24, 26 and 28

Art Unit: 2168

have been fully considered and are persuasive. For these reasons, the rejection under 35 USC § 103(a) of claims 1, 5, 6, 8, 11, 20, 24, 26 and 28 is **withdrawn**.

**35 USC § 103(a): Burrows, Ward et al, Schleimer et al.; Broder et al.; Charikar**

6. Applicant's arguments (page 23 – 38) and amendments, filed 3 June 2009, regarding the rejection under 35 USC § 103(a) of claims 1, 3, 4, 6 – 9, 11 – 15, 17 – 26 and 28 – 36 have been fully considered and are persuasive. For these reasons, the rejection under 35 USC § 103(a) of claims 1, 3, 4, 6 – 9, 11 – 15, 17 – 26 and 28 – 36 is **withdrawn**.

**EXAMINER'S AMENDMENT**

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Viktor Simkovic on 26 August 2009.

The application has been amended as follows:

Claims 20 – 26, 28 – 30 and 34 – 36 (Canceled).

***Allowable Subject Matter and Reasons for Allowance***

8. Claims 1, 3, 4, 6 - 9, 11 – 15, 17 – 19 and 31 – 33 are allowed. The following is an examiner's statement of reasons for allowance:

Burrows is directed toward generating a fingerprint for each record, the fingerprint is a singular value derived from all of the information of the record and the fingerprint is stored in the index as a unique fingerprint if the fingerprint is different than a previously stored fingerprint of the index. Ward et al. is directed towards a method for quickly and accurately identifying a digital file, specifically one that represents an audio file. Schleimer et al. is directed toward generation of a fingerprint through hashing and winnowing of data. Broder et al. is directed towards a method for facilitating the comparison of two computerized documents through the use of sketches which may be computed fairly fast and given two sketches the resemblance of the corresponding documents can be computed in linear time in the size of the sketches. Charikar is directed towards similarity estimation of documents through the use of rounding algorithms. However, none of the cited art of record provides for the flipping of fingerprint bits based on the number of times a particular checksum occurs in a subset of checksum values. The Examiner notes that this is effectively a double hashing method of creating a fingerprint and the cited art does not teach or suggest this feature.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garrett Smith whose telephone number is (571)270-1764. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 4, 2009

/GS/  
Garrett Smith  
Patent Examiner  
Art Unit 2168